

United States Court of Appeals  
For the Eighth Circuit

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No. 13-3043

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United States of America

*Plaintiff - Appellee*

v.

Ricardo Barbosa-Huerta

*Defendant - Appellant*

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Appeal from United States District Court  
for the Western District of Missouri - Joplin

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Submitted: February 7, 2014

Filed: February 11, 2014

[Unpublished]

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Before WOLLMAN, MURPHY, and SMITH, Circuit Judges.

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PER CURIAM.

Ricardo Barbosa-Huerta directly appeals the sentence the district court<sup>1</sup> imposed after he pleaded guilty to an immigration offense. Counsel moves to

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<sup>1</sup>The Honorable Greg Kays, Chief Judge, United States District Court for the Western District of Missouri.

withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is substantively unreasonable.

Upon careful review, we conclude that Barbosa-Huerta's within-Guidelines-range sentence is not substantively unreasonable. See Gall v. United States, 552 U.S. 38, 51 (2007) (if sentence is within Guidelines range, appellate court may apply presumption of reasonableness); United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (appellate review of sentencing decision). Having independently reviewed the record in accordance with Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Therefore, we affirm, and we grant counsel's motion to withdraw, subject to counsel informing appellant about procedures for seeking rehearing or filing a petition for certiorari.

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